

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

JANE ROE, individually and on behalf of all  
others similarly situated,

Plaintiff,

vs.

INTELLICORP RECORDS, INC., an Ohio  
corporation, and DOES 1-50, inclusive,

Defendant.

Case No.: 1:12-CV-02288-JG

Judge: James S. Gwin

**DECLARATION OF HENK VALK IN  
SUPPORT OF PLAINTIFF'S MOTION  
FOR CLASS CERTIFICATION**

I, HENK VALK, declare:

1. I am an individual over the age of eighteen residing in Napa County, California. I have been retained by the attorneys for the Plaintiff in this action as a consultant and expert witness on information technology (IT) and database issues, and I am submitting this Declaration on Plaintiff's behalf. I have personal knowledge of the facts set forth herein, and if called upon to do so I could testify competently to them.

Professional Qualifications

2. I am an accomplished database architect with extensive team and project management skills. Over the last 20 years I have developed extensive experience in Data

architecture, Business intelligence, Data integration, Data analysis, Data modeling, Performance tuning, and Extract-Transfer-Load (ETL) architecture as well as Data policies and standards and Data management best practices. I am an expert in designing and implementing data architecture, to create optimal design of OnLine Transaction Processing (OLTP) systems and ETL architecture while maintaining performance standards and high-availability technologies on large database environments.

3. A true and correct copy of my resume is attached as Exhibit A hereto.

Materials Reviewed

4. In formulating the views and opinions set forth below, I have reviewed and relied upon the following documents produced by Intellicorp and the testimony of Intellicorp's designated witnesses in this case. As to those documents and testimony that Intellicorp has designated "confidential," I have agreed not to disclose such information, to maintain it securely, and to use it only for purposes of my work on this case.

- a. The transcript of the deposition of David Garrett and the Exhibits thereto.
- b. The transcript of the deposition of Jeffrey Simenc and the Exhibits thereto.
- c. Documents produced by Intellicorp in response to Plaintiff's discovery requests, including Intellicorp's production 05, which consists of schema of databases on Hercules, SQL03 database schema, as well as relevant XML-related files.

Intellicorp's Database

5. Hercules refers to Intellicorp's primary database network that, among other things, tracks information related to Intellicorp's business, including copies of all consumer reports generated by Intellicorp.

6. Intellicorp provides Criminal Super Search (CSS) with or without Criminal Case Update (CCU) and Single County Criminal (SCC) search products. CSS

returns criminal record data stored in Intellicorp's internal databases, SQL03 or SQL04, whereas SCC and CCU return criminal record data obtained from internal research or outside vendors, who enter the results of their search into Hercules through its RNERIS interface.

7. Results of search products, CSS, CCU, and SCC, are stored in an eXtensible Markup Language (XML) format in ResultXML column in OrderResults table in MasterSearch database on Hercules. Based on the unique ProductId that is assigned to each search product type and stored in the parent table, OrderDetails, I assume that each search result is stored as a distinct and unique entry. And, based on the database schema of MasterSearch database and Mr. Garrett's testimony, I also expect that individual search results can also be identified uniquely by the unique combination of OrderDetailId and RequestId.

8. Based on Mr. Garrett's testimony, I also assume that the completion date of each search product is stored in MasterSearch database. I suspect that the completion date may be found in OrderDetailCompletionDate field in OrderDetails table in MasterSearch database on Hercules.

9. The "Criminal" XSD schema is a field-for-field, exact replica of a subset of tables of the FCRA criminal databases (such as SQL03 and SQL04).

10. An individual search result stored in an XML format in OrderResults table in MasterSearch database may contain no value for one or more fields, because Intellicorp's databases, SQL03 and/or SQL04, do not have any value to return for the field or fields. On the actual report itself, the value of "NOT PROVIDED" is displayed for a field when the search returns no value for the field.

#### Professional Opinions

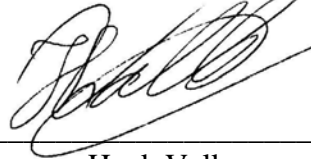
11. Based on the foregoing, I believe that Intellicorp or an independent IT consultant such as myself could, if requested, generate a list of each of the following without undue time, burden or expense.

- a. Individuals who were subjects of CSS, SCC, and/or CCU reports and whose reports were completed during a specified time period.
- b. Individuals who were subjects of CSS reports that contained a result from one or more counties in a specified list of counties.
- c. Individuals who were subjects of CSS reports and whose reports displayed “NOT PROVIDED” for one or more of the specified fields, such as disposition, disposition date, charge, charge level, and charge date.
- d. Individuals who were subjects of CSS reports and who were also subjects of SCC and/or CCU reports that were ordered at the same time as the CSS reports and;
  - i. Whose CSS reports displayed one or more cases that were not displayed on the SCC or CCU reports;
  - ii. Whose CSS reports displayed a charge or charges without disposition but whose SCC or CCU reports showed the disposition other than “guilty” or “convicted” for the same charge or charges; or
  - iii. Whose charge level was displayed as a felony on the CSS report but as a misdemeanor or infraction on SCC or CCU, or whose charge was displayed as a misdemeanor on CSS and as an infraction on SCC or CCU.

12. Most, although not all, of the determinations above may require that one query the XML data stored in ResultXML column in OrderResults table in MasterSearch database on Hercules. There are several ways to migrate XML data stored in a database into a relational database. Once the data is in the relational database, it can be queried easily to get detailed results with great accuracy.

13. Assuming that we need to process 1.5 million records of XML data to obtain a class list, I estimate that the entire process should take no more than 14 days. Specifically, I estimate that it would take no more than 10 days to design, develop, debug, and quality-control a reliable procedure to migrate the XML data into a relational database. Once the procedure is implemented, I estimate that its execution would take between 30 and 250 records per second (or between 108,000 and 900,000 records per hour). Even at 108,000 records per hour, the migration would take no more than 14 hours. Afterward, querying the migrated XML data would take negligible time, aside from no more than a day of SQL query development time.

I declare under the penalty of perjury under the laws of the United States of America that the above is true and correct. Executed February 18, 2013 in Napa, California.

A handwritten signature in black ink, appearing to read 'Henk Valk', is written over a horizontal line.

Henk Valk